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SUB-COMMISSION DISCUSSES GROSS VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

GENEVA, 19 August (UN Information Service) -- The Sub-Commission on the Prevention of Discrimination and Protection of Minorities continued this morning its discussion of the agenda item on the violation of human rights and fundamental freedoms including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent countries and Territories.

Taking part in the discussion were the experts from the United Kingdom, France, Belgium, Iraq, Bangladesh and Ethiopia. A representative of the United Nations High Commissioner for Refugees (UNHCR) also made a statement.

In addition, statements were made by the representative of the South West Africa Peoples Organization (SWAPO), the International Commission of Jurists, the World Conference for Religion and Peace, the Anti-Slavery Society, the International Indian Treaty Council, Pax Christi, Bana'i International Community, the International Law Association, Disabled Peoples International, and Pax Romana.

Summary of Statements

BENJAMIN WHITAKER, expert from United Kingdom, the first speaker this morning, condemned the Sabra and Shatila camps massacres in Lebanon. While the Israeli authorities had conducted their own independent inquiry, the actual killers had not been brought to justice. He thought that the Lebanese Government should show more determination to see to it that justice was done.

Denouncing the increasingly aggressive attitude of South Africa against its neighbouring States, he expressed the wish that the United Nations be more active in the defence of peoples who on grounds of conscience refused to join the South African military service. While admiring the record of Switzerland for its refugee policy, he regretted that voices had been heard protesting the admission of more refugees, in particular those from non-European countries. Turning to the tragedy of Sri Lanka, he said it illustrated a depressing familiar pattern comparable to that of El Salvador. He mentioned the problem of unprotected refugees and displaced persons which did not fall within the

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mandate of UNHCR, particularly in Lesotho. He urged that the principle of non-interference be respected as regards to Central America, Afghanistan and Chad.

He welcomed Iran's willingness to receive an independent mission and hoped such a mission could be undertaken in other countries. Continuing, he deplored the treatment of political prisoners in Albania, and the persecution of persons who wished to see the Helsinki agreement respected in Czechoslovakia and the Soviet Union. He also mentioned cases of torture and death in Guinea, Pakistan, East Timor and the Philippines. In conclusion, he praised the Turkish Government, which had condemned abuses and violations of human rights.

LOUIS JOINET, expert from France, said the grave situation in Sri Lanka required the attention of the Sub-Commission. In that context, he suggested that the Sub-Commission take preventive measures in order to avoid a possible fifth massacre of the Tamils. Last July, Amnesty International published a report on the situation of human rights in Sri Lanka which was refuted by the Government. A few weeks later a true genocide happened in Sri Lanka, a country which had signed the 1948 Convention on the subject.

The preventive measures could include the nomination of a special rapporteur who could provide appropriate assistance to the Government of Sri Lanka in its efforts to guarantee in the future the enjoyment of human rights and fundamental freedoms for all, he said.

Citing East Timor, he recalled that the Sub-Commission had submitted a resolution to the Commission on Human Rights inviting all interested parties to co-operate. He underlined the fact that the General Assembly had taken that resolution into consideration before the Commission on Human Rights. The exploratory phase of the work of the Sub-Commission should be encouraged so that efforts undertaken remained fruitful.

MARC BOSSUYT, expert from Belgium, said the Commission on Human Rights resolution requesting that a report on violation of human rights and fundamental freedoms be made using all available sources was not realistic. In order to pursue that request in a thorough manner, an objective and impartial report on the situation of all human rights in all the countries of the world would have to be established. Publications existing in that field were the Country Report published by the United States Department of State, and the report of the Political Commission of the European Parliament, which made several references to the Country Report. Continuing, he said the United Nations would encounter technical, financial and political difficulties in drawing up such a report.

Turning to the situation in Latin America, he welcomed the progress achieved for human rights in Bolivia. He felt the peoples of Argentina, Chile and Uruguay were about to return to democracy and to the respect of human rights. He expressed regret that the Suriname regime had resorted to torture and to summary executions of peoples favouring a return to democracy.

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RIYADH AZIZ HADI, expert from Iraq, said the United Nations resolutions condemning Israel and South Africa showed a striking violation of human rights in those two countries. The practices of the Zionist regime showed a lack of respect for the United Nations. He denounced the expansionist and aggressive policy of Israel in the occupied Arab territories. The Israeli settlements had changed the demographical characteristics of the region. There was a ruthless exploitation of the natural resources and expropriation of land. The political rights of the Palestinian people had been restricted and the treatment of prisoners was inhuman. It was time that the Palestinian people, under their sole representative, the Palestine Liberation Organization (PLO), exercised their right to self-determination. He requested that the Sub-Commission condemn the Sabra and Shatila massacres, which he termed a "genocide".

In South Africa and Namibia, he continued, the racist regime practised horrible discrimination against the majority population with the support of imperialist forces. The United Nations must put an end to the illicit occupation of Namibia and assist its people, who were struggling for independence under their sole and legitimate representative, SWAPO. The international community should ensure that their rights were respected and applied.

ABU SAYEED CHOWDHURY, expert from Bangladesh, said the outrageous system of apartheid was an insult to the democratic system. He hoped the United Nations would end the illegal occupation of Namibia. He condemned the attrocities committed in Sabra and Shatila and called for an independent inquiry so that justice could be done. He further hoped that the right to self-determination would be granted to the Palestinian people.

He expressed regret at the attempts of interference in several countries by the super-Powers. Speaking of East Timor, he urged that the people be allowed to exercise their right to self-determination without any outside interference. Stating that the present situation in Sri Lanka was not known, he hoped the International Committee of the Red Cross (ICRC) would be allowed to re-enter the country and verify that atrocities had stopped.

HERMAN ITHETE, representative of SWAPO, said apartheid was one issue upon which mankind was of one opinion: it was a crime against humanity, indefensible and a threat to international peace and security. It had to be combated and uprooted in all its forms and manifestations.

Apartheid should not be viewed exclusively as a human rights or moral issue, he said. It was in the name of apartheid that the economic exploitation of the black man in Namibia and South Africa was justified, that the right to citizenship of the country of his birth was denied and the violation of the territorial integrity of the front-line States and destruction of their economic infrastructure was also justified.

The numerous efforts which SWAPO had undertaken -- and still was undertaking -- to redress that situation was on record. It was almost to a point of self-denial that SWAPO had made one concession after another in order to facilitate the implementation of Security Council resolution 435. By

accepting that the racist administration could remain in Namibia during the transitional period leading to full independence, SWAPO had made a far-reaching concession.

It had agreed that a token force of 1,500 South African troops could remain in Namibia. The SWAPO was also party to the formulation of United Nations Security Council resolution 431, which sought to remove the issue of Walvis Bay from the present negotiations, while asking the Security Council to remain seized of the problem.

The racist police force, which for years had been terrorizing SWAPO's people, was bestowed in the United Nations plan with the responsibility of maintaining law and order, alongside the United Nations Transition Assistance Group (UNTAG), he said. That was a serious concession from SWAPO.

It was hence with concern and suspicion that SWAPO viewed the flurry of so-called initiatives started by the Western Contact Group. In his view, that was a rescue operation in favour of racist South Africa in order to maintain and perpetuate the colonial and racist domination over Namibia.

The SWAPO was equally concerned over the efforts of some nations that accepted to use the legitimate desire for independence of the Namibian people as a gambling card in their imperialistic drive for world dominance, he continued. The extraneous issue of the linkage of the withdrawal of Cuban troops from Angola with the independence of Namibia was unfair and inhumane.

Noting that the South African defence budget for the 1981/1982 fiscal year was 2,500 million South African rand, or 16 per cent of the total government expenditure, he said that huge sum of money came from the taxes payed by the transnational corporations to the racist regime. There was no doubt that the racist regime had become increasingly dependent on loans from abroad for its survival.

In conclusion, he requested that the Sub-Commission endorse the decisions and recommendations of the Paris Conference on Namibia; increase political, diplomatic, material and other assistance to the people of Namibia, through their sole and authentic representative, SWAPO; and demand the immediate and unconditional implementation of the United Nations plan in accordance with Security Council resolution 435 and other resolutions.

NIALL MacDERMOT, representative of the International Commission of Jurists, said the recent explosion of ethnic violence against the Tamils in Sri Lanka, the fourth such event against the Tamils, was the most recent typical situation of gross violations of human rights.

To put an end to those atrocities his organization recommended the following: equal protection and security of all residents regardless of sex; humanitarian assistance to the Tamils victims of human rights violations; control of the armed forces; establishment of a dialogue with the Tamils; the repeal of the Terrorism Act; the appointment of an independent judiciary and the prosecuting of peoples responsible for acts of violence. He supported the suggestion that the Sub-Commission recommend to the Commission on Human Rights

the appointment of a special rapporteur to inquire into the situation and offer assistance to the Government of Sri Lanka.

BHAGWAN DAS, representative of the World Conference for Religion and Peace, said very little was known about untouchability and Untouchables outside India. Whatever the occupation of the Untouchables was, the stigma of untouchability could not be removed. He regretted that the subject had not been studied with the same objectivity as the subjects of racism, apartheid and ethnic conflict. The subject itself, had been treated as "untouchable".

Untouchables were victims of silence and friendless because they had not been able to make their voice audible to the world, he said. Untouchability was no longer restricted to India. It was practised in Sri Lanka, Nepal, Pakistan and other countries of South-East Asia. To its credit, India had laws and programmes to uplift the Untouchables while other countries unfortunately had none. There was also no mention of them in United Nations documents because that category of violations did not fall within the definition of racism or ethnic discrimination.

In his view, that problem deserved better attention from the world body. He suggested that the Sub-Commission recommend the appointment of a commission to study untouchability. The commission should include members belonging to the despised minorities such as the Untouchables and the Burakus.

PETER DAVIES, representative of the Anti-Slavery Society, drew attention to the urgent problem of the repatriation of refugees from Djibouti which had actually started this week. Recalling that Ethiopian refugees had been in Djibouti for the last six years, he said urban refugees were mostly young and either students or members of political organizations unfriendly towards the Ethiopian Government. The refugees numbered between 30,000 and 35,000 and were entirely dependent upon the good offices of UNHCR.

The Djibouti Government had made it plain that the refugees could be accommodated on a temporary basis, he said. Tension had developed between the refugees and the Government, which resulted in Djibouti's determination to press for a speedy and permanent solution to the refugee problem. The arrangements for the voluntary repatriation were in the hands of a tripartite commission made up of representatives from the Governments of Ethiopia, Djibouti and UNHCR, without representation of the refugees themselves.

There was evidence that many of the refugees were not willing to return to Ethiopia, he said. Some had fled from Djibouti following the announcement of the repatriation programme last February. His Society believed many of the refugees were being repatriated against their will. He also believed there were no "new circumstances" in their country of origin to give them the assurance that they could return "without risk".

The UNHCR had the task, inter alia, to monitor the situation of returning refugees, with particular regard to any guarantees provided by the Governments of countries of origin, he said. In the present circumstances, it was not right that one of the three principals in the repatriation scheme also bore

the responsibility of monitoring the progress of that scheme. He recommended, therefore, the immediate creation of a truly independent monitoring committee which would be free to move throughout the territories concerned in order to ensure that no refugee was unwillingly repatriated.

HALIMA WARZAZI, Chairperson of the Sub-Commission and expert from Morocco, said the problem of the refugees in Djibouti had been discussed in the Third Committee (Social, Humanitarian and Cultural) of the General Assembly when it considered the report of UNHCR. She doubted that the Sub-Commission could propose the establishment of such a mission, as it was not in its mandate. She suggested that the Secretary-General of the United Nations be informed of the situation through other means.

FISSEHA JIMER, expert from Ethiopia, said serious accusations had been directed at the impartiality of UNHCR. He agreed with the Chairperson that the establishment of such a mission was not in the mandate of the Sub-Commission. He praised the impeccable record of UNHCR.

A representative of UNHCR said that the different ethnic backgrounds of the refugees in Djibouti required different solutions to best serve the interests of all. The Governments concerned had concluded in a tripartite commission that the best solution was the programme of voluntary repatriation and rehabilitation.

An information campaign had also been conducted jointly by the Government of Djibouti and UNHCR to explain to the refugees the meaning of the repatriation programme, stressing its voluntary nature and outlining the relief and rehabilitation components of the programme established in Ethiopia. The conditions of the country of origin had been assessed as favourable. He pointed out that the registration of refugees wishing to return to their country of origin had started this week but that no movement of persons had as yet taken place.

FRANCISCA ALVAREZ, representative of the International Indian Treaty Council, said her Organization had taken a special interest in the grave situation of Indians in Guatemala. In that regard, she welcomed the nomination of the Special Rapporteur for Guatemala. After the recent coup d'etat in that country her organization feared that the situation of Indians would worsen.

Indians in Guatemala suffered from hunger, poverty, forced labour and cultural repression, she said. They were denied the right to life as well as political and economic rights. They could not trade between local communities and had been forcibly removed from their own lands. She requested that the United Nations be vigilant and provide all the necessary assistance to the Special Rapporteur.

ADRIEN-CLAUDE ZOLLER, representative of Pax Christi, said the situation in El Salvador was of much concern to his organization. Members of non-governmental organizations had been victims of the gravest violations. He mentioned, in particular, the case of Mrs. Marianella Garcia-Villas,

Chairperson of the Human Rights Commission of that country, who had been killed while on an investigative mission in El Salvador. Massacres continued in rural areas and repression had become more selective and effective in the cities.

Turning to the situation in Guatemala, he said the civilian population in rural areas continued to be the object of what had been termed "genocide". Military forces had razed hundreds of villages and committed countless massacres. Speaking of East Timor, he noted the situation was more horrifying than that of Central America. It was urgent to overcome political obstacles to develop a humanitarian action for the people of East Timor.

GERALD KNIGHT, representative of the Baha'i International Community, brought to the attention of the Sub-Commission "the continuing gross violation of the human rights of the Baha'i religious minority in Iran". The persecution of the Baha'i community was motivated solely by primitive religious prejudice. The Government of Iran had embarked on a campaign of defamation in order to discredit the Baha'i faith, sayind that it was not a religion but a subversive political organization.

The Baha'i community had suffered intimidation, discrimination and hardship as a result of the Government's anti-Baha'i policies, he said. They were homeless, and had been deprived of their means of livelihood. Some were held without charges in Iranian prisons and a few were already under sentence of death. He was gravely concerned for the safety of his fellow believers held in prison, and appealed to the Sub-Commission to intensify the efforts of the international community to persuade the Government of Iran to halt its cruel and senseless persecution of an innocent minority.

R.B. LILLICH, representative of the International Law Association, drew the attention of the Sub-Commission to the human rights implications of recent developments concerning situations known as "states of siege" or "emergency". While all national legal systems permitted resort to emergency legislation in situations involving true national emergencies such as war, rebellion and national catastrophe, it had not been contemplated that such a state would be invoked as frequently as it was today. It was a pretext to suspend all human rights and had almost become the law. He recommended that a study of that problem include the review of the propriety of such states as well as proposals for an international surveillance mechanism and effective guarantees for the international law of human rights.

KAREN PALMER, representative of Disabled Peoples International, said the membership of her organization was growing because of atrocities being perpetrated by Governments, in particular in Guatemala and El Salvador. Torture, mutilation, inhuman treatment and other war crimes were a significant cause of disability. Her organization had a special interest in refugees and in prisoner of wars in Central America. She urged the Sub-Commission to request the Special Rapporteur to investigate the situation in El Salvador and Guatemala.

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She also drew attention to the serious medical plight of Palestinian civilians as well as South African refugees who were also suffering from disability. She welcomed the Sub-Commission's resolution which recognized the violation of the human rights of disabled persons. She hoped it would continue to pay particular attention to that topic and to the right of disabled persons to travel freely.

R.J. RAJKUMAR, representative of Pax Romana, spoke on the plight of the people of East Timor. Timor was an abandoned nation which had suffered enormously. The extreme brutality of the war had been compared to that of Cambodia. International concern on the intentions of the occupying authorities in East Timor was justified. He called for an independent mission to visit East Timor and report on the situation. He also drew attention to situations of massive violations of human rights in El Salvador, Guatemala, the Philippines, Sri Lanka, Chile and Afghanistan.

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